

Appendix R

BDDS INTERIM WAIVERS MANUAL

Please Note: the Standards as written in this appendix are slated to be revised. When this occurs this appendix will be replaced with the revised standards.

STANDARDS FOR 1-2 BED ADULT FAMILY HOMES

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-202 .01 Introduction. (1) **AUTHORITY AND PURPOSE.** These are standards for the proper operation of one or two bed adult family homes. They are established to protect and promote the health, safety and welfare of persons residing in and receiving care and maintenance in these homes.

(2) **APPLICABILITY.** This chapter applies to the department, county certifying agencies and contracted certifying agencies and adult family home sponsors and substitute providers.

.-202 .02 DEFINITIONS.

(1) "Activities of daily living" means:

(a) Activities relating to the performance of self care and engaging in leisure or play activities. "Self care" includes dressing, eating, bathing, grooming, toileting, mobility, object manipulation, ambulation and rest;

(b) Activities relating to home and household management, including preparing meals, shopping and chores, personal housekeeping, using the telephone, managing one's personal finances, and health care activities including taking medicine, applying or changing dressings and using a medical device; and

(c) Activities involving movement about in one's community, for purposes that include accessing and participating in vocational, recreational and social activities in the community with other members of the community.

(2) "Adult family home" or "home" means a residence in which care and maintenance above the level of room and board, but not including nursing care, are provided to one or two residents who require such care by a person or persons whose primary domicile is that residence by persons who share the residence with consumers or by persons who come to the home for part of the day and who don't reside in the home..

(3) "Certifying agency" means a county agency that elects to certify adult family homes located in the county or an agent of a county agency or the department [see VI -202.03(1)(b)] authorized by the county to certify such homes if no county agency elects to certify the adult family home, or to designate an agent to certify adult family homes.

(4) "County agency" means a county department of social services established under s. 46.215 or 46.22, Stats., a county department of human services established under s. 46.23., Stats., a county department of community programs established under s. 51.42, Stats., a county department of

developmental disabilities services established under s. 51.437, Stats., or the tribal governing body of a federally recognized American Indian tribe or band in this state under s. 560.075, Stats.

(5) "Department" means the Wisconsin Department of Health and Family Services.

(6) "Disabled" has the meaning for developmental disabilities prescribed in s. 51.01 or s. 55.01, Stats.

(7) "Household member" means any person living in an adult family home, including any resident. "Household" means all household members.

(8) "Nursing care" means services and procedures provided by a registered nurse licensed under ch. 441, Stats., or which require the direct supervision of a registered nurse licensed under ch. 441, Stats.

[See VI-202-05]

(9) "Referring agency" means the agency responsible for facilitating the placement of a resident in an adult family home.

(10) "Resident" means a person who resides in the home and receives room and board and services provided by the sponsor or substitute provider.

(11) "Service Coordinator" means the person who has primary responsibility for arranging, coordinating, managing and monitoring the care and services needed by a resident including services provided outside of the adult family home.

(12) "Sponsor" means a person or persons certified to operate an adult family home who is responsible for the home and whose primary domicile is the home. The Sponsor may also be a designated representative of an agency responsible for supervising staff who provide support and services in the home.

(14) "Substitute provider" means a person designated by the sponsor to operate and take full responsibility for the adult family home when the sponsor is temporarily absent and cannot provide services or needed supervision.

(15) "Voluntary" means according to a resident's free choice if the resident is competent, or by choice of the resident's guardian if the resident is under guardianship.

-202.03 CERTIFICATION. (1) CERTIFICATION REQUIREMENTS. (a) No person may receive Medical Assistance Community based Waiver funds from any waiver administered by the Bureau of Developmental Disability Services for care and service in an adult family home unless the home is certified as meeting these standards be a certifying agency

(b) Except for County agencies, no certifying agency may also place residents in any type of residential placement or provide placement assistance.

(2) APPLICATION FOR CERTIFICATION. (a) Application for certification or renewal of certification shall be made on a form provided by the certifying agency. The application form shall be signed by the applicant.

Note: To obtain a copy of the application form, contact the certifying agency in the county in which the prospective adult family home is located.

(b) No applicant previously denied certification or whose certificate was revoked may reapply for certification within 2 years after the effective date of the notice of denial or revocation unless the

applicant documents to the satisfaction of the certifying agency that the condition which caused the denial or revocation has been corrected.

(c) Before an applicant for an initial certificate may be certified to operate an adult family home, the applicant shall submit an application form and any other documentation required by this chapter or requested by the certifying agency to determine whether the applicant complies with this chapter.

(3) **APPROVAL PROCESS.** The certifying agency shall review the application and supporting documents, interview the applicant and conduct an on-site visit of the home to determine if the requirements for certification set out in this chapter are met. If the requirements for certification set out in this chapter are met, the certifying agency shall issue a certificate of approval to the applicant for the home and. If the requirements for certification are not met and, therefore, the certifying agency does not issue a certificate of approval, the applicant and each resident's service coordinator shall be given notice of the decision not to certify the home. The notice to the applicant shall clearly and concisely state the reasons for not approving the application and shall inform the applicant of the opportunity for an administrative review under sub. (7) of the non-approval decision. The certifying agency shall issue the certificate of approval or notice of denial within 60 days after having received a complete application, all supporting documents and following the on-site visit.

(4) **CERTIFICATION AND REGERTIFICATION.** (a) The period of certification shall be 12 months.

(b) Certification shall be renewed annually on application if the sponsor continues to comply with these standards and submits an application for renewal at last 30 days before the expiration of certification. If certification is not renewed, the sponsor shall be given written notice before expiration of certification. The notice shall clearly and concisely state the reasons for not approving the renewal of certification and shall inform the sponsor of the opportunity for an administrative review under sub. (7) of the non-renewal decision.

(c) The certifying agency may require the sponsor to report any substantive change in the type or amount of services the sponsor offers to provide on a change in household members a change in the sponsor's legal status including being charged with or convicted of any crime which is substantially related to caring for dependent persons to the certifying agency within 7 days. The certifying agency may require a new application for recertification when any of these changes take place.

(d) Certification is not transferable to another sponsor or to another private residence.

(e) The certifying agency may, without notice to the sponsor, visit the home at any time during the period of certification to evaluate the status of resident health, safety or welfare or to determine if the sponsor continues to comply with this chapter. The sponsor shall provide the certification agency access to the home.

(f) The certifying agency may request fire, health, sanitation or safety officials to inspect the home and premises to assist in evaluating the safety of the home.

(5) **EXCEPTIONS TO CERTIFICATION STANDARDS.** The certifying agency may grant an exception to any requirement in this chapter, except the bedroom size requirement under VI-202. 05 (f)(3) and resident rights under VI-202. 10, if the sponsor requests the exception in writing and presents a convincing argument that the proposed exception will not jeopardize the health, safety or welfare of residents or violate the rights of residents. The certifying agency shall respond in writing to a request for an exception and shall send the department a copy of the request and its response. An exception may be granted only when strict enforcement would result in unreasonable hardship for the sponsor, if the exception does not adversely effect the ability of the sponsor or the home to meet the resident's needs and if the exception will not jeopardize the health, safety or welfare of residents or violate the rights of residents. The department may, within 45 days following receipt of a certifying agency's affirmative

response to a request for exception, reverse or modify the exception. The department shall give written notice to the certifying agency and the sponsor of its decision to reverse or modify the certifying agency's decision to grant the exception. Any exception cited in the approval may remain in effect for no longer than one year from the date of approval at which time the certifying agency shall determine if there is continued justification for the exception. The certifying agency may impose conditions or time limitations on an exception. Violation of the conditions under which the exception is granted constitutes a violation of these rules.

(6) **DECRETIFICATION.** (a) The certifying agency, after giving written notice to the sponsor, may decertify an adult family home if the certifying agency finds that the sponsor has substantially and intentionally violated or does not comply with ss. 46.031 or 46.036, Stats., or any provision of this chapter.

(b) The notice under par. (a) shall include a clear and concise statement of the basis for decertification, including the specific requirements that have not been met or which have been violated and a notice of the opportunity for an administrative review under sub. (7) of the decertification decision.

(7) **ADMINISTRATIVE REVIEW.** If an applicant or sponsor desires to contest a decision not to certify a home under sub. (3), not to renew a certification under sub. (4)(b) or to decertify a home under sub. (6), the applicant or sponsor shall, within 15 days after the date of the notice of the decision, submit to the certifying agency a written request for an administrative review of the decision. The request shall include the applicant's or sponsor's reason why he or she disagrees with the action. The administrator of the certifying agency or his or her designee shall review the facts and send a written decision to the applicant or sponsor and, if the certifying agency is not the department, to the department, within 30 days after receipt of the request for review. If the certifying agency is not the department, the applicant or sponsor may, within 15 days after the date of the certifying agency's decision, submit to the department a written request for an administrative review of the applicant or sponsor's original request and the certifying agency's decision. The department shall review the facts and send a written decision to the applicant or sponsor and to the certifying agency within 45 days after the receipt of the request for review. The department's decision shall be final.

-202 04 SPONSOR QUALIFICATIONS. (1) **AGE AND ABILITY.** The sponsor, and every substitute provider, shall be at least 18 years of age and shall be physically, emotionally and mentally capable of providing responsible care and service.

(2) **PERSONAL QUALIFICATIONS.** The sponsor and any substitute provider shall be persons who are responsible, mature and of reputable character, who exercise sound judgement and display the capacity to successfully care for disabled adults. An applicant for certification or a sponsor requesting renewal of certification shall provide any information requested by the certifying agency to assist in evaluating the applicant's, sponsor's, or substitute provider's character, or qualifications. In assessing character and qualifications, the certifying agency may consider evidence of abuse or fraud, substantial or repeated violations of applicable or related statutes and rules in the applicant's, sponsor's or substitute provider's operation of or employment in any care facility or service agency, or in the applicant's, sponsor's or substitute provider's care of dependent persons, and conviction within the previous 5 years of a crime substantially related to caring for a dependent population.

(3) **FINANCIAL SECURITY.** The sponsor shall present evidence of having or having access to sufficient financial reserves to meet the needs of all residents and of all members of the household for whom the sponsor is financially responsible and to ensure the adequate functioning of the home for a period of at least 30 days without receiving payment for the care of any resident.

(4) **HEALTH.** (a) The sponsor and any substitute provider shall be in good health. The applicant for an initial certification shall submit a statement from a physician certifying that a physical examination was completed and that the applicant does not have an illness or condition that would threaten the health, safety or welfare of residents or interfere with the person's capacity to provide care. The statement from a physician may not be dated more than 1 year prior to the date of the application.

(b) If the certifying agency suspects or has reason to believe that the applicant, sponsor, substitute provider or other household member may pose a threat to the health, safety or welfare of residents, the certifying agency may require a physical exam, an alcohol or drug abuse assessment or a mental health evaluation of the person as a condition of certification or renewal of certification.

(5) **VEHICLE LIABILITY INSURANCE.** An applicant for initial certification or renewal of certification who plans to provide transportation services to residents in his or her vehicle shall provide the certifying agency with documentation of current automobile liability insurance coverage and shall provide the certifying agency with documentation of renewal so that coverage is in force for the entire term of certification.

(6) **TRAINING.** (a) Except as provided in par. (d), the sponsor shall be enrolled in or have completed 8 hours of department-approved training related to the health, safety, welfare, rights and treatment of residents during the first year after initial certification.

(b) Except as provided in pars. (c) and (d), the sponsor shall be enrolled in or have completed 12 hours of department-approved training related to health, safety, welfare, rights and treatment of residents every 2 years beginning with the second year of certification.

(c) The certifying agency may require the sponsor or a substitute provider to obtain training in amounts that exceed the minimum amounts required in pars. (a) and (b) particular topics that ensure that the sponsor is capable of protecting and promoting resident health, safety and welfare. The certifying agency may also require substitute providers to obtain training on particular topics.

(d) The certifying agency may approve alternatives to the training requirements in pars. (a) and (b) if the sponsor requests a waiver and the certifying agency determines that:

1. The person has successfully completed substantially similar or related training;
2. The person has successfully completed course work or an academic degree program related to the care, maintenance and treatment of disabled persons or other persons in need of care, maintenance or treatment; or
3. The person has acquired substantial and up-to-date knowledge concerning care, maintenance and treatment and health, safety, welfare and rights of disabled or frail elderly persons through prior experience as a care provider in licensed or certified programs which are substantially similar to adult family homes.

-202.05 THE HOME. (1) **LOCATION AND ACCESS TO THE COMMUNITY.** Adult family homes shall be physically located so that residents can easily get to community activities and supportive services which they need or prefer by walking or by means of convenient private or public transportation. The sponsor shall ensure that residents receive the assistance necessary to enable them to get to these activities and services.

(2) **RESIDENT ACCESS TO THE HOME AND WITHIN THE HOME.** The adult family home shall be physically accessible to all residents of the home. Residents shall be able to easily enter and exit the home, get to their sleeping rooms and all common living areas in the home and to easily move about in the home.

(3) **HOME ENVIRONMENT.** (a) The adult family home shall be safe, clean and well maintained and shall provide a humane and homelike environment.

(b) The home shall be free from hazards and kept uncluttered and free of dangerous substances, insects and rodents.

(c) The home shall have adequate, safe and functioning heating, hot and cold water, fire protection, electrical plumbing, sewerage, and lighting systems. The water heating system shall be designed and operated to reduce the possibility of injury due to scalding.

(d) The home shall have adequate and functioning environmental services, including refuse removal and services access to laundry facilities.

(e) Residents shall have regular

(f) The home shall have adequate ventilation. There shall be at least one window which is capable of being opened to the outside in each resident sleeping room and each common room used by residents. Windows used for ventilation shall be screened during appropriate seasons of the year.

(g) The home shall have sufficient space to accommodate all household activities and members comfortably as follows:

1. There shall be distinct living and sleeping areas separated by permanent solid walls;
2. There shall be at least one bathroom with at least one sink, stool, and shower or tub for every 8 household members. The door of each bathroom shall have a lock which can be opened from the outside in an emergency;
3. A resident's bedroom shall provide comfort and privacy, shall have a swing or pocket door and may accommodate no more than 2 persons. No resident may regularly sleep in a basement bedroom or in a bedroom above the second floor of a single family dwelling unless there are 2 exits to the grade from that floor level or the sponsor has a variance from a municipal building code authority.. The bedroom shall have a floor area of at last 60 square feet per occupant.
4. A resident's bedroom may not be used by anyone else to get to any other part of the home except for access to an additional bathroom which is not required to meet the standard under subd. 2;
5. There shall be sufficient space and equipment in a kitchen for the sanitary preparation and storage of food;
6. The dining room or area shall be large enough so that all household members my dine together; and
7. Each resident shall be provided conveniently located individual storage space sufficient for hanging clothes and for storing clothing, toilet articles and other personal belongings.

(g) The house shall have clean, functioning and safe household items and furnishing, including:

1. A separate bed for each resident. The bed shall be clean, in good condition and of proper size and height for the comfort of the resident; and
2. Appropriate bedding and linens that are maintained in a clean condition.

(h) The home shall provide for physical and emotional privacy for the resident. Under this paragraph, "physical and emotional privacy" means reasonable privacy in toileting and bathing; keeping and using personal clothing and possessions; having reasonable privacy in one's room, or in other personally assigned areas; and being free from searches of personal belongings without the resident's permission or permission of the resident's guardian, unless the sponsor has reasonable cause to suspect that the resident possesses items which are illegal or prohibited by the sponsor and the resident is present during the room search.

- (i) Residents shall be permitted to choose individual room decorations within reason.

(4) FIRE SAFETY. (a) Every adult family home shall be equipped with one or more fire extinguishers on each floor. Each required fire extinguisher shall have a minimum 2A, 10-B-C rating. All required fire extinguishers shall be mounted. A fire extinguisher is required at the head of each stairway and in or near the kitchen, except that a single fire extinguisher located in close proximity to both of these areas may be used to meet more than one of these requirements. Each required fire extinguisher shall be maintained in readily usable condition and shall be inspected annually by the certifying agency and once every 4 years or according to the manufacturer's specifications, whichever is less, by an authorized dealer or the local fire department and shall have an attached tag showing the date of the last dealer or fire department inspection.

(b) 1. Every adult family home shall be equipped with one or more single station battery operated, electrically interconnected or radio signal emitting smoke detectors on each floor level. Required smoke detectors shall be located at the head of each open stairway, at the door leading to every enclosed stairway, on the ceiling of the living or family rooms, and on the ceiling of each sleeping room in which smoke is allowed.

2. The sponsor shall maintain each required smoke detector in working condition, test each smoke detector periodically to make sure that it is operating and shall document, in writing, the date each required test was performed. The sponsor shall immediately repair or replace any unit found to be not operating.

(c) The first floor of the home shall have at least 2 means of exiting which provide unobstructed access to the outside.

(d) The sponsor shall have a written plan for the immediate and safe evacuation of the home in the event of a fire. The plan shall identify an external meeting place.

(e) The sponsor shall review the fire safety evacuation plan with each new resident immediately following placement and shall conduct semi-annual fire drills with all household members.

(f) The sponsor shall report to the certifying agency within 72 hours after the event the occurrence of a fire in the home which required the assistance of the fire department.

(5) TELEPHONE. The home shall have at least one telephone in working order which does not require a coin to operate. Residents shall have reasonable access to a phone consistent with resident rights specified in HFS 94 and be permitted to make any call which they wish and can afford. Emergency telephone numbers, including numbers for the fire department, police, hospital, physician, poison control center and ambulance, shall be located on or near each telephone.

(6) HOUSEHOLD PETS. The sponsor shall ensure all required vaccinations to pets are current. Pets that pose a threat or hazard to the health, safety or well-being of household members are prohibited.

-202.06 PLACEMENT. (1) NEW RESIDENT. When an adult resident leaves an adult family home on a permanent basis, he or she may be replaced by another adult.

(2) INFORMATION ABOUT THE ADULT FAMILY HOME. (a) The certifying agency shall provide a prospective resident and that person's guardian, if any, service coordinator and referring agency with copies of this chapter upon request. The information about the home shall include any records of previous violations of any rule of which the certifying agency is aware and any complaints made by or on behalf of residents concerning these rules or ch. HSS 94.

(b) The sponsor shall ensure that a prospective resident is given the opportunity to meet residents and spend time at the home before entering into the agreement for services under sub. (3). This may include visits during the day and overnight stays in the home.

(c) The sponsor shall give at least 30 days written notice to the resident, the resident's guardian, if any, and to all other parties involved in the service agreement under sub. (3) if the sponsor intends to change the amount or mode of payment.

(3) AGREEMENT FOR SERVICES. (a) No resident may be placed in a home or continue in a placement unless the prospective or current resident, the resident's guardian, if any, and the sponsor consent or have consented in writing to the placement. The written consent shall be made part of the service agreement.

(b) The sponsor shall ensure that a written agreement for each resident placed in the home is developed and kept up to date by the service coordinator or the sponsor. If the service coordinator does not develop the service agreement in accordance with this subsection and the sponsor is unable to develop it, the sponsor shall immediately notify the certifying agency that the resident is placed in the home and lacks an up-to-date service agreement. A current resident may continue in the placement for an additional 90 days.

(c) The parties to the agreement shall include the resident, the resident's guardian, if any, the sponsor and the service coordinator.

(d) This agreement shall be completed by the end of the seventh day after a new resident enters the home or within 90 days after initial certification for each current resident, shall be signed by and a copy given to all persons listed in par. (b), shall contain the date on which it was signed and an expiration date which may not be made than 12 months from the date on which it was signed and shall be reviewed and updated when it expires. After the seventh day for new residents and after 30 days from initial certification, no resident may maintain their placement unless there is an up-to-date service agreement except as provided in par. (b).

(e) In addition to the written consent required in par. (a), the services agreement shall include:

1. Designation of a service coordinator who shall ensure that needed services provided by the sponsor and outside agencies are arranged and monitored;

2. The individualized service plan under sub. (5);

3. A description of the roles, responsibilities and expectations of the sponsor in providing the services that are specified in the individualized service plan under sub. (5), of the resident entering of residing in the home and of the referring agency or service coordinator providing assistance to the resident or sponsor including whether the service coordinator is responsible for developing, monitoring and updating the service agreement and service plan;

4. The amount, source and method of payment for providing care and maintenance to the resident of the home, specifying any costs for which the resident will be liable, and whether the service coordinator agrees to be responsible for meeting the financial security requirement in s. VI-202. 04(3). If the service coordinator is responsible for financial security, the agreement shall describe how resources will be made available to the sponsor in the event that payments to the sponsor for resident care are not received;

5. A statement about who will exercise control over a resident's funds, which shall be a decision of the resident or the resident's guardian, if any, and whether these funds will be maintained in a bank account. If the sponsor agrees to exercise control over the resident's funds, the sponsor shall deposit resident funds in a separate bank account opened for the resident if the balance of the resident's

personal funds exceed \$200 and shall keep records that account for the receipt and expenditure of all resident's funds which the sponsor controls including any interest or dividends earned;

6. A statement that any party shall give at least 30 days written notice to all other parties involved if the sponsor wants to terminate the placement, change the services or change the charges for services;

7. A description of any personal housekeeping the resident will be required to perform or, if applicable, any compensated work the resident has agreed to do for the sponsor, including the terms of compensation. A resident shall be allowed to refuse work other than personal housekeeping. In this subdivision, "personal housekeeping" means the performance of routine housekeeping and household tasks in areas of the home assigned to the resident or in areas used communally in proportion to the amount of resident use if equitably distributed among all household members capable of performing such tasks. This may include cleaning of common areas, doing the laundry, shoveling snow, cooking, washing dishes and taking care of the lawn;

8. A statement that the resident's rights and grievance process under s. 51.61, Stats., and ch. HFS 94 have been explained to the resident and to the resident's guardian, if any as required in ch. HFS 94; and

9. A statement which identifies whether the sponsor, service coordinator, referring agency or county agency is responsible for each of the following functions:

- a. Obtaining informed consent as required under s. HSS 94.03;
- b. Notifying residents of their rights under this chapter and ch. HSS 94; and
- c. Maintaining a grievance procedure which conforms to s. HSS 94.27.

(4) **HEALTH ASSESSMENT.** (a) Each resident shall have a medical examination by a physician to identify any health problems and to screen for communicable disease within 30 days of placement in the adult family home and annually thereafter unless the resident is being seen regularly by a physician. Sponsors shall keep a written record of all medical examinations and shall retain any reports made by these health care providers.

(b) The sponsor shall immediately notify the service coordinator of any life-threatening, disabling or serious illness or injury sustained by a resident which requires medical treatment or absence from the home for more than 24 hours.

(5) **INDIVIDUALIZED SERVICE PLAN.** The sponsor shall ensure that a written service plan is developed for each resident within 30 days after initial certification of the home and within 7 days after the placement of a new resident. This plan may be part of or incorporated into the individualized service plan packet required by the MA-Waiver. The plan shall be developed with the resident's service coordinator and with involvement and approval of the resident and the resident's guardian, if any. The sponsor may arrange for the referring agency or service coordinator to develop the plan in accordance with this subsection. The plan shall be:

(a) Developed by the referring agency, service coordinator or the sponsor, with the resident participating in a manner that is appropriate for the resident's level of understanding and method of communication. The plan shall contain a description of the services the sponsor shall provide, shall identify how the resident will obtain access to community activities and services under s. VI.-202. 05(1), shall describe the extent of supervision the sponsor will provide and specify whether the resident is capable of being left alone in the home or in the community without supervision and may also contain a description of services provided by other service providers.;

(b) Agreed to and signed by all persons involved in developing it, and a copy given to each of these persons;

(c) Monitored by the sponsor or service coordinator, as provided in the plan, to ensure that it is implemented as intended; and

(d) Reviewed by the sponsor or, if the service coordinator has agreed to assume this responsibility in the service agreement, by the service coordinator at least once every 6 months. This review is to determine continued appropriateness of the plan and to update the plan when necessary. A plan shall be updated whenever the resident's needs or preferences substantially change or when requested by the resident or the resident's guardian.

-202. 07 RESIDENT CARE. (1) GENERAL REQUIREMENTS. (a) The sponsor shall provide a safe, emotionally stable, homelike and humane environment which encourages a resident's autonomy, addresses a resident's need for physical and emotional privacy as defined in VI-202. 05(3)(h) and takes a resident's preferences and choices and status as an adult into consideration while providing care, services and supervision.

(b) The sponsor shall plan activities and services for the residents to accommodate individual resident needs and preference and shall provide opportunities for the residents to participate in cultural, religious, political, social and intellectual activities within the home and community. Residents may not be compelled to participate in these activities.

(c) The sponsor shall allow a resident to participate in all activities that the resident selects and is capable of learning unless the resident's service plan indicates otherwise.

(d) The sponsor or sponsor's regular staff shall arrange for a substitute provider when the sponsor is gone overnight or when the sponsor's or staff's absence prevents the residents from receiving the services or supervision specified in the service plan developed under s. MA - W. 06(5).

(2) SERVICES. (a) The sponsor shall provide or arrange for the provision of those services specified in the individualized service plan that are the sponsor's responsibility. A resident may refuse any service. Services shall be directed to the goals of assisting, teaching and supporting the resident to promote his or her health, well-being, self-esteem, independence and quality of life in the community and may include:

1. Supervising or assisting residents with or teaching residents about activities of daily living;

2. Providing, arranging, transporting or accompanying residents to leisure, recreational and community activities; and

3. Monitoring the residents health by observing and documenting changes in each resident's health status and referring a resident to health care providers when necessary.

(b) Services that are provided shall be services determined by the sponsor or service coordinator and the resident, or the resident's guardian, if any, to be needed by the resident and within the capability of the sponsor to provide.

(c) A sponsor may not directly and personally provide nursing care to residents. The sponsor may arrange nursing care if the care is needed or if it is specified in the service plan.

(3) PRESCRIPTION MEDICATION. (a) Containers. All containers in which prescription medications are stored shall have a label permanently attached to the outside which lists the name of the person for whom the medication is prescribed, the physician's name, the prescription number, the name and dosage of the medication, directions for use, the date the medication was issued,

an expiration date of all time-dated medication, and the name, address, and telephone number of the pharmacy from which the medication was obtained.

(b) Control and administration. 1. A resident shall control and administer his or her own medications except when the resident is not able to do so, as determined by the resident's physician, or when the resident or resident's guardian, if any, requests the sponsor's assistance.

2. For the sponsor to administer any prescription medication, the sponsor shall obtain a written order from the physician who prescribed the medication. The written order from the physician shall specify under what conditions and what dosages medication may be administered.

3. The sponsor may not administer medications to a resident when there is a court order that requires the resident to take the medication. If the sponsor provides assistance with medications, the sponsor shall help the resident safely store the medication, take the correct dosage at the correct time and communicate effectively with his or her physician or pharmacist.

(c) Records. Records shall be kept by the sponsor of all prescription medication controlled or administered by the sponsor, which shall show the name of the resident, the name of the medication, the date and time of administration by the sponsor and the dose administered.

(4) NUTRITION. (a) The sponsor shall provide each resident with a quantity and variety of foods sufficient to meet the resident's nutritional needs and preferences and to maintain his or her health.

(b) The sponsor shall provide or ensure that each resident receives 3 nutritious meals each day. This requirement does not apply to the sponsor if meals are included in other programming and paid for by providers of the programming in which the resident is participating.

(c) Food shall be prepared in sanitary manner.

(d) Residents shall be routinely served their meals in common dining areas with other household members.

(e) Meals prepared by the sponsor shall take into account resident's special physical and religious dietary needs.

-202. 08 TERMINATION OF PLACEMENT. A sponsor, resident or service coordinator may terminate a resident's placement only after giving other parties (including the resident's guardian, if any) 30 days written notice, except that 30 days notice is not required for an emergency termination necessary to prevent harm to the health and safety of the resident or other household members.

-202. 09 RECORDS AND REPORTS. (1) RESIDENT RECORDS. The sponsor shall maintain a record for each resident. Resident records shall be maintained in a secure location within the home. A resident or the resident's guardian shall be given access to the resident's record upon request. The record shall be kept confidential in accordance with s. 51.30, Stats., and ch HSS 92. Each record shall contain:

(a) The resident's name and date of birth;

(b) If the resident has a guardian, the name, address and phone number guardian;

(c) The name, address and telephone number of every person, including the physician, to be notified in the event of an emergency.

(d) The name, address and telephone number of the referring agency and the service coordinator;

- (e) Medical insurance identification numbers and the name of any pharmacy that the resident uses;
- (f) The agreement for services required under s. VI-202. 06(3);
- (g) The report of the medical examination required under s. VI-202. 06(4);
- (h) The service plan required under s. VI-202. 06(5); and
- (i) Evidence that the resident and the resident's guardian, if any, received notification of residents' rights specified in s. 51.61, Stats., and ch. HFS 94, as required under s. VI-202. 10(5).

(2) **REPORTS.** The sponsor shall comply with all department and certifying agency requests for information about the residents, services or operation of the adult family home.

-202. 10 RESIDENT RIGHTS. (1) No sponsor or any other household member may subject a resident to mental, physical or sexual abuse or to neglect or otherwise mistreat resident. Mental abuse includes but is not limited to persistent or excessive negative comments, deliberate inducement of anxiety, singling out one resident for inappropriate criticism or encouraging the resident's peers to do the same and similar acts when the resident or guardians, if any, has requested that these acts cease.

(2) No resident may be placed in isolation, seclusion or physical restraints by a sponsor except in situations permitted on ch HFS 94 when there is physical danger to another person or the resident of the home. Sponsors shall immediately notify the service coordinator, the resident's guardian, if any, the resident's physician and the crisis intervention program designated by the certifying agency if isolation, seclusion or physical restraint is needed or used. Use of isolation, seclusion or physical restraint shall be governed in accordance with s. 51.61(1)(i) Stats., ch. HFS 94.10 and any policy communications issued by the department.

(3) Residents shall be permitted to send or receive mail without any restrictions except as provided in s. 51.61(1)(c) Stats., the sponsor shall give mail to residents on the day it is received or, if a resident is absent from the home, shall keep the resident's mail in a safe, private location. The sponsor may not open or read any mail without the permission of the resident or the resident's guardian, if any.

(4) A resident may receive a reasonable number of visitors at reasonable times. The sponsor may deny access of particular persons whom the sponsor finds undesirable to the home, and restrict the number of visitors allowed at one time. The number of visits permitted per day or week and times or days of the week visits are permitted but may not restrict visits of the resident's guardian, if any. The sponsor shall notify the resident of all restrictions on visits.

(5) Residents of adult family homes who meet the definition of patient in s. 51.61(1) Stats., shall have the rights set forth in s. 51.61 Stats., and ch HFS 94 when applicable. The sponsor shall be familiar with these rights and, as a condition or certification, shall comply with the provisions of s. 51.61 Stats., and ch HFS 94 that apply to adult family homes. The sponsor shall also ensure that each resident covered by these rights and the resident's guardian, if any, are notified in writing of the resident rights under s. 51.61, Stats., and ch. HFS 94 that apply to adult family homes immediately after the placement is made. Notification may be done by the sponsor, the resident's service coordinator or the referring agency.

(6) A resident may file a grievance if he or she or the resident's guardian, if any, believes that a right recognized or established under this section has been violated. The sponsor shall ensure that residents have access to a grievance procedure established in accordance with s. HFS 94.. The grievance procedure may be established by the certifying agency or by the agency that employs the service coordinator when either of these agencies agrees to perform this function.

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